

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CHOBANI, LLC,

Plaintiff,

v.

THE DANNON COMPANY, INC.

Defendant.

THE DANNON COMPANY, INC.,

Counterclaim Plaintiff,

v.

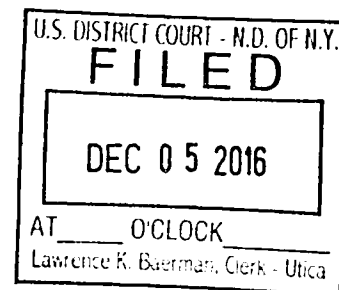
CHOBANI, LLC

Counterclaim Defendant.

**CIVIL ACTION NO. 3:16-cv-00030-
DNH-DEP**

ECF Case


Hon. David N. Hurd



JOINT MOTION FOR ENTRY OF CONSENT PERMANENT INJUNCTION

Plaintiff/Counterclaim Defendant Chobani, LLC ("Chobani") and Defendant/
Counterclaim Plaintiff The Dannon Company, Inc. ("Dannon") (collectively, the "Parties")
hereby jointly move that the Court enter the Consent Permanent Injunction attached hereto.

CHOBANI, LLC
By its attorneys,



Julia Huston (Bar Roll No. 518555)
David A. Kluit (Bar Roll No. 303218)
Anthony E. Rufo (Bar Roll No. 519130)
Foley Hoag LLP
155 Seaport Boulevard
Boston, Massachusetts 02210-2600
Telephone: (617) 832-1000
Facsimile: (617) 832-7000
E-mail: jhuston@foleyhoag.com
dkluit@foleyhoag.com
arufo@foleyhoag.com

Douglas A. Foss (Bar Roll No. 601172)
Svetlana K. Ivy (Bar Roll No. 516400)
Harris Beach PLLC
99 Garnsey Road
Pittsford, New York 14534
Telephone: (585) 419-8800
Facsimile: (585) 419-8811
E-mail: dfoss@harrisbeach.com
sivy@harrisbeach.com

Dated: 11/22/16

THE DANNON COMPANY, INC.
By its attorneys,

Chaim J. Jaffe (Bar Roll No. 507042)
Scolaro Fetter Grizanti McGough & King P.C.
507 Plum Street, Suite 300
Syracuse, New York 13204
Telephone: (315) 471-8111
E-mail: cjaffe@scolaro.com

Angel A. Garganta
Marcella Ballard
Venable LLP
Rockefeller Center
1270 Avenue of the Americas
New York, NY 10020
Telephone: (212) 370-6289
E-mail: agarganta@venable.com
mballard@venable.com

Randall K. Miller (Bar Roll No. 303217)
Kevin W. Weigand
Venable LLP
8010 Towers Crescent Drive
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Telephone: (703) 760-1600
E-mail: rkmiller@vcnable.com
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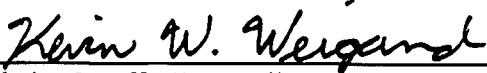
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E-mail: cjaffe@scolaro.com

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mballard@venable.com

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E-mail: rkmiller@venable.com
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CONSENT PERMANENT INJUNCTION

Upon the joint motion of Plaintiff/Counterclaim Defendant Chobani, LLC (“Chobani”) and Defendant/Counterclaim Plaintiff The Dannon Company, Inc. (“Dannon”) (collectively, the “Parties”), it is ORDERED, ADJUDICATED and DECREED as follows:

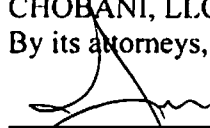
1. Chobani shall not disseminate:
 - (a) the 30-second and 15-second “Pool” television commercials described in paragraphs 38 through 40 of Dannon’s Counterclaim and exhibits thereto;
 - (b) the “Open Letter” print advertisement described in paragraphs 43 through 46 of Dannon’s Counterclaim and exhibits thereto; and
 - (c) the “Chobani’s Simply Digital Content” described in paragraphs 48 through 51 of Dannon’s Counterclaims, to the extent that it incorporates the accused claims in the “Pool” television commercial and/or “Open Letter” print advertisement identified above.

2. This Consent Permanent Injunction will apply to Chobani and its officers, directors, agents, servants, employees, and all persons controlling, controlled by, or in active concert or participation with, through or under Chobani.

3. The preliminary injunction dated January 29, 2016 is hereby dissolved, and the \$1,000,000 bond shall be returned to Dannon.

Consented and Agreed to:

CHOBANI, LLC
By its attorneys,



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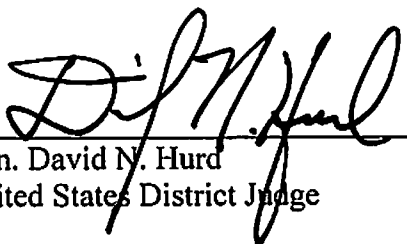
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Dated: 11/23/2016

SO ORDERED:

Dated:

December 5, 2016
Utica, N.Y.


Hon. David N. Hurd
United States District Judge